

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEE KLEENSANG,

Defendant.

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Case No. 8:12CR56

ORDER

This case is before the court on the defendant David Lee Kleensang's "Distress of Jurisdiction" (Filing #54). A careful review of the filing demonstrates no legal basis or authority for the filing in criminal case law under the United States Code or the Federal Rules of Criminal Procedure. Additionally, I find that the filing is not in compliance with the local rule of the United States District Court for the District of Nebraska 12.3(b)(1), which provides, in part, that any party's failure to simultaneously file a brief may be an abandonment of a motion. I find the filing to be frivolous and the failure to file a simultaneous brief to be an abandonment of any issues raised.

Lastly, as I did at the initial appearance and in the court's Order of April 12, 2012, I advise the defendant that a pro se litigant is required to follow both the local rules of the District of Nebraska and the Federal Rules of Criminal Procedure. I urge him once again to carefully reconsider his decision to proceed pro se (even though it is his right) and to consider availing himself of the services of legal counsel.

IT IS ORDERED:

1. Defendant's filing #54 entitled "Distress of Jurisdiction" is found to be frivolous. The Clerk of the court is ordered to strike Filing #54 from the docket.

2. The Clerk of the Court is ordered, because of the defendant's pro se status, to mail a copy of this order to the last address provided by the defendant.

Dated this 30th day of April 2012.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.